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FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, AZ 85012

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In re Application of	:	OFFICE OF PETITIONS
David Michael Glenn, et. al.	:	
Application No. 10/822,886	:	ON PETITION
Filed: April 13, 2004	:	
Attorney Docket No. 4829A(CIP)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on October 8, 2007, to revive the above-identified application.

The above application became abandoned for failure to file a proper reply to the final Office action mailed September 5, 2006. A Notice of Abandonment was mailed on October 11, 2007.

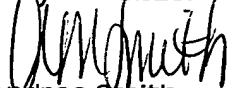
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the \$810 filing fee and an amendment; (2) the petition fee of \$1,540; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE.

The Office acknowledges receipt of \$1,050 for a three months extension of time. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the \$1,050 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited back to the credit card.

The application file is being referred to Technology Center Art Unit 1616 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions